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8 *Attorneys for Complainant*

9 **BEFORE THE**
10 **BOARD OF REGISTERED NURSING**
11 **DEPARTMENT OF CONSUMER AFFAIRS**
12 **STATE OF CALIFORNIA**

13 In the Matter of the Accusation Against:

Case No. 2010-194

14 **APRIL LYNN COBIA**
900 West Grove Parkway, #2059
15 Tempe, AZ 85283

A C C U S A T I O N

16 Registered Nurse License No. 652737

17 Respondent.

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19 Complainant alleges:

20 **PARTIES**

21 1. Louise R. Bailey, M.Ed., RN ("Complainant") brings this Accusation solely in her
22 official capacity as the Interim Executive Officer of the Board of Registered Nursing, Department
23 of Consumer Affairs.

24 **License History**

25 2. On or about February 17, 2005, the Board of Registered Nursing issued Registered
26 Nurse License Number 652737 to April Lynn Cobia ("Respondent"). The license expired on
27 May 31, 2006, and has not been renewed.

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JURISDICTION

3. This Accusation is brought before the Board of Registered Nursing ("Board"), Department of Consumer Affairs, under the authority of the following laws. All section references are to the Business and Professions Code ("Code"), unless otherwise indicated.

4. Code section 2750 provides, in pertinent part, that the Board may discipline any licensee, including a licensee holding a temporary or an inactive license, for any reason provided in Article 3 (commencing with Code section 2750) of the Nursing Practice Act.

5. Code section 2764, in pertinent part, that the expiration of a license shall not deprive the Board of jurisdiction to proceed with a disciplinary proceeding against the licensee or to render a decision imposing discipline on the license. Under Code section 2811, subdivision (b), the Board may renew an expired license at any time within eight years after the expiration.

6. Code section 118, subdivision (b), provides that the suspension, expiration, surrender, or cancellation of a license shall not deprive the Board of jurisdiction to proceed with a disciplinary action during the period within which the license may be renewed, restored, reissued or reinstated.

STATUTORY PROVISIONS

7. Code section 2761 states, in pertinent part:

The board may take disciplinary action against a certified or licensed nurse or deny an application for a certificate or license for any of the following:

(a) Unprofessional conduct, which includes, but is not limited to, the following:

(4) Denial of licensure, revocation, suspension, restriction, or any other disciplinary action against a health care professional license or certificate by another state or territory of the United States, by any other government agency, or by another California health care professional licensing board. A certified copy of the decision or judgment shall be conclusive evidence of that action.

COST RECOVERY

8. Code section 125.3 provides, in pertinent part, that the Board may request the administrative law judge to direct a licentiate found to have committed a violation or violations of the licensing act to pay a sum not to exceed the reasonable costs of the investigation and enforcement of the case.

1 CAUSE FOR DISCIPLINE

2 (Out-of-State Discipline)

3 9. Respondent's license is subject to disciplinary action under Code section 2761,
4 subdivision (a)(4), on the grounds of unprofessional conduct, in that Respondent's Registered
5 Nurse Licenses were disciplined by the following State Boards of Nursing:

6 Arizona State Board of Nursing ("Arizona Board")

7 a. In the action entitled, *In the Matter of Professional Nurse License No. RN 117544; LP*
8 *036533 CNA 180199417 [both lapsed] Issued to: April Lynn Cobia*, effective March 20, 2006,
9 pursuant to Consent Agreement, Findings of Fact, Conclusions Law, and Order No. 0508143,
10 Respondent's Professional Nurse License No. RN117544, LP License No. 036533 and CNA
11 License No. 180199417 were placed on twenty-four months probation with terms and conditions
12 of probation, including pay a civil penalty in the amount of \$1,000. The underlying
13 circumstances of the disciplinary action are that while assigned as a registered nurse at Chandler
14 Regional Hospital in Chandler, Arizona, Respondent falsified medical record entries for all blood
15 sugars and intravenous Insulin drips for a diabetic patient.

16 A copy of the Arizona Board's Consent Agreement, Findings of Fact, and Order No.
17 0508143 is attached as Exhibit A, and is incorporated herein.

18 State of Washington, Department of Health ("Washington State")

19 b. In the action entitled, *In the Matter of the License to Practice as a Registered Nurse*
20 *of April Lynn Cobia, License No. RN00160967, Docket No. 06-10-A-1050RN*, effective
21 December 28, 2006, pursuant to a Stipulation to Informal Disposition, Respondent's Registered
22 Nurse License No. RN00160967 was placed on probation contingent upon full compliance with
23 the terms and conditions placed on Respondent by the Arizona Board's Consent Agreement and
24 Order No. 0508143.

25 A copy of the Washington Board's Stipulation to Informal Disposition is attached as
26 Exhibit B and is incorporated herein.

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1 Massachusetts Board of Nursing ("Massachusetts Board")

2 c. In the action entitled, *In the Matter of April Lynn Cobia, License No. RN257738,*
3 *Docket No. RN-06-209*, effective January 20, 2008, pursuant to Consent Agreement for Probation,
4 Respondent's Registered Nurse License No. RN257738 was placed on probation contingent upon
5 full compliance with the terms and conditions placed on Respondent by the Arizona Board's
6 Consent Agreement and Order No. 0508143.

7 A copy of the Massachusetts Board's Consent Agreement for Probation is attached as
8 Exhibit C and is incorporated herein.

9 PRAYER

10 WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged,
11 and that following the hearing, the Board of Registered Nursing issue a decision:

- 12 1. Revoking or suspending Registered Nurse License Number 652737 issued to
13 April Lynn Cobia;
- 14 2. Ordering April Lynn Cobia to pay the Board the reasonable costs of the investigation
15 and enforcement of this case, pursuant to Code section 125.3; and,
- 16 3. Taking such other and further action as deemed necessary and proper.

17
18 DATED: _____

18 10/7/09

19 for

19 Louise R. Bailey
20 LOUISE R. BAILEY, M.ED., RN
21 Interim Executive Officer
22 Board of Registered Nursing
23 Department of Consumer Affairs
24 State of California
25 Complainant